

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re FINISAR CORP. DERIVATIVE LITIGATION)	Master File No. C-06-07660-RMW
)	
)	STIPULATION AND ORDER EXTENDING
)	THE DEADLINE FOR FILING A MOTION
This Document Relates To:)	FOR SUBSTITUTION PURSUANT TO
)	RULE 25(a)
ALL ACTIONS.)	
)	

1 WHEREAS, on March 2, 2012, the Court entered a third Stipulation and Order Extending the
2 Deadline for Filing a Motion for Substitution Pursuant to Rule 25(a) (the "Rule 25(a) Order") (Dkt.
3 No. 152);

4 WHEREAS, the Rule 25(a) Order extended the deadline by which a party must file a motion
5 for substitution pursuant to Rule 25(a) with respect to Jan Lipson and Larry D. Mitchell, who passed
6 away during the pendency of this litigation, until April 20, 2012;

7 WHEREAS, in order to preserve the pending claims, and in light of the parties' ongoing
8 settlement discussions, the parties wish to extend the deadline by which a party must file a motion
9 for substitution pursuant to Rule 25(a), until 30 days after entry of an order resolving the
10 Defendants' pending re-noticed Motions to Dismiss Plaintiffs' Supplemental Second Amended
11 Consolidated Verified Shareholder Derivative Complaint, scheduled for hearing before the Court on
12 June 8, 2012; and

13 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
14 efficiency and will not cause prejudice to any party;

15 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by plaintiffs, the Lipson
16 2000 Revocable Trust Under Agreement Dated September 28, 2000 and the Mitchell Revocable
17 Family Trust, through their respective counsel, subject to approval of the Court as follows:

18 1. The date within which any party must file a motion for substitution pursuant to Rule
19 25(a) is extended until 30 days after entry of an order resolving the Defendants' pending re-noticed
20 Motions to Dismiss Plaintiffs' Supplemental Second Amended Consolidated Verified Shareholder
21 Derivative Complaint.

22 IT IS SO STIPULATED.

23 DATED: April 20, 2012

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26 DATED: April 20, 2012

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1 DATED: April 20, 2012

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9 Attorneys for Nominal Defendant Finisar
10 Corporation and the Mitchell Revocable Family
11 Trust

12 I, Christopher M. Wood, am the ECF User whose identification and password are being used
13 to file the Stipulation and [Proposed] Order Extending the Deadline for Filing a Motion for
14 Substitution Pursuant to Rule 25(a). In compliance with General Order 45.X.B, I hereby attest that
15 Sarah A. Good and David A. Priebe have concurred in this filing.

16 s/ Christopher M. Wood
17 CHRISTOPHER M. WOOD

18 * * *

19 **ORDER**

20 Having considered the parties' Stipulation, and good cause appearing, the Court hereby
21 GRANTS the parties' Stipulation.

22 IT IS SO ORDERED.

23 DATED: _____ 7/12/12 _____

24 
25 THE HONORABLE RONALD M. WHYTE
26 UNITED STATES DISTRICT JUDGE
27
28

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2012, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 20, 2012.

s/ Christopher M. Wood

CHRISTOPHER M. WOOD

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